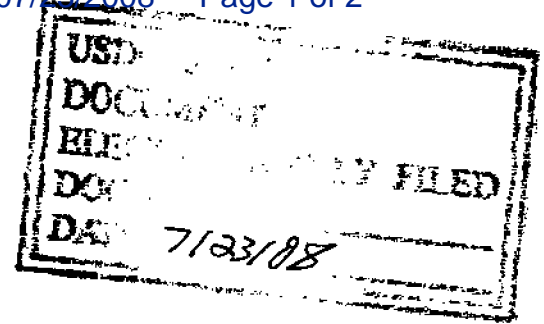


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
BIRKS & MAYORS INC., :

Plaintiff, :

**ORDER**

-against- :

07 Civ. 6688 (RJS)(FM)

L.J. WEST DIAMONDS, INC., :

Defendant. :

-----X  
**FRANK MAAS, United States Magistrate Judge.**

Pursuant to a telephone conference held earlier today, it is hereby

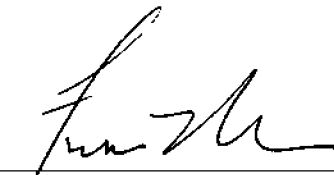
ORDERED that:

1. The plaintiff may supplement its Rule 26(a) disclosures to add the names of John Orrico and Joseph Keifer as persons likely to have discoverable information on condition that the plaintiff shall bear the cost of the deposition transcripts if the defendant chooses to depose them.
2. The plaintiff's application to compel the production of documents responsive to items one through nine of its Second Set of Document Requests is denied.
3. Within ten days, the defendant shall produce any documents relating or referring to commissions or other payments that were or might have been made to its salesmen as a result of the sale of the diamond giving rise to this suit.

4. If neither party submits a request for a pre-motion conference to Judge Sullivan, then the plaintiff shall so advise me on or before August 4, 2008.

SO ORDERED.

Dated: New York, New York  
July 22, 2008

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FRANK MAAS  
United States Magistrate Judge

Copies to:

Honorable Richard J. Sullivan  
United States District Judge

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